

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CARY J. COSGROVE,

Plaintiff,

v.

KEVIN PETTIGREW and DWAYNE
SAYLOR,

Defendants.

Case No. 1:21-cv-10379

Honorable Thomas L. Ludington
United States District Judge

Honorable Patricia T. Morris
United States Magistrate Judge

**ORDER ADOPTING (1) REPORT AND RECOMMENDATION, (2) GRANTING
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT, (3) DISMISSING
PLAINTIFF'S CLAIMS WITH PREJUDICE, AND (4) DENYING PLAINTIFF'S
MOTION FOR EXTENSION OF TIME AS MOOT**

This matter is before this Court upon Magistrate Judge Patricia T. Morris's Report and Recommendation (R&R) recommending that the undersigned grant both Defendants' motions for summary judgment and dismiss Plaintiff's claims against both Defendants. ECF No. 43 at PageID.599.

Although the R&R states that the parties could object to and seek review of the R&R within 14 days of service, neither party filed any objections. Rather, six days after the period to file objections had expired, Plaintiff filed a "motion to dismiss defendants [sic] motion for summary judgement [sic]," ECF No. 44, and a motion seeking a 30-day extension to file objections, ECF No. 45. But those are not objections. Because the parties did not file any objections within the 14-day objection period, they have waived their right to appeal Judge Morris's findings. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Accordingly, it is **ORDERED** that Magistrate Judge Morris's Report and Recommendation, ECF No. 43, is **ADOPTED**.

Further, it is **ORDERED** that Defendant Saylor's Motion for Summary Judgment, ECF No. 33 is **GRANTED**.

Further, it is **ORDERED** that Defendant Pettigrew's Motion for Summary Judgment, ECF No. 34, is **GRANTED**.

Further, it is **ORDERED** that Plaintiff's claims against Defendant Pettigrew and Defendant Saylor, ECF No. 1, are **DISMISSED WITH PREJUDICE**.

Further, it is **ORDERED** that Plaintiff's Motion for Extension of Time to File Argument, ECF No. 45, is **DENIED AS MOOT**.

Dated: October 25, 2022

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge